

Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 ACDA-10 AGR-10 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-02 COME-00 DODE-00 DOTE-00

EB-07 EPA-04 ERDA-07 FEAE-00 FMC-02 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02

OES-06 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15 USIA-15

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FROM US LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: WEEKLY SUMMARY LAW OF THE SEA CONFERENCE
AUGUST 30 - SEPTEMBER 3

COMMITTEE I

1. COMMITTEE I (CI) CONTINUED INFORMAL DEBATE ON
SYSTEM OF EXPLOITATION (ARTICLE 22 AND RELATED PROVISIONS
OF ANNEX I) WITH MOST OF TIME DEVOTED TO DISCUSSION IN
NEGOTIATING GROUP. EFFORT TO FORMULATE ACCEPTABLE
ARTICLE 22 WHICH PREJUDICED NO DEL'S POSITION AND TO
DEVELOP LIST OF OBJECTIVE CRITERIA PURSUANT TO WHICH
AUTHORITY COULD DENY CONTRACTS WERE COMPLETELY UN-
PRODUCTIVE. WORKSHOP AGREED THAT NEXT SUBJECT FOR CON-
SIDERATION, TO BEGIN SOMETIME IN SIXTH WEEK OF SESSION,
WILL BE ASSEMBLY AND COUNCIL. SECRETARY'S PROPOSALS
ON ENTERPRISE FINANCING AND PERIODIC REVIEW OF CERTAIN
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PROVISIONS IN PAT I OF TREATY HAVE NOT BEEN RAISED

IN C-I MEETINGS, ALTHOUGH INITIATIVE IS BEING WIDELY DISCUSSED IN CORRIDOR CONVERSATIONS AND SOME REGIONAL GROUPS.

COMMITTEE II

1. SECRETARY'S VISIT: SECRETARY KISSINGER, DURING VISIT OF SEPTEMBER 1-2, STRESSED IMPORTANCE TO US OF HIGH SEAS STATUS IN ECONOMIC ZONE. THIS WAS ONLY COMMITTEE II ISSUE ADDRESSED BY SECRETARY IN ANY DETAIL.

2. COMMITTEE II CONTINUED CONSULTATIONS IN SMALL INFORMAL GROUPS DURING WEEK OF AUGUST 30 - SEPTEMBER 3 ON PRIORITY ISSUES (LEGAL STATUS OF ECONOMIC ZONE, LANDLOCKED ACCESS TO THE SEA, AND CONTINENTAL MARGIN DELIMITATION AND REVENUE SHARING). IT APPEARS THAT ADDITIONAL TIME WILL BE REQUIRED ON ALL PRIORITY ISSUES, PERHAPS IN EVENING SESSIONS DURING WEEK OF SEPTEMBER 6-10.

3. ACTING COMMITTEE CHAIRMAN NJENGA SUMMARIZED PROGRESS IN THE PLENARY INFORMAL NEGOTIATION GROUPS ON THE ECONOMIC ZONE (NEGOTIATING GROUP I) AND CONTINENTAL MARGIN (NEGOTIATING GROUP III). NJENGA SUGGESTED WITH RESPECT TO THE LEGAL STATUS OF THE ECONOMIC ZONE THAT FURTHER MEETINGS WOULD BE REQUIRED GIVEN THE STAGE OF THE NEGOTIATING PROCESS. WITH RESPECT TO THE CONTINENTAL MARGIN, NJENGA'S PERSONAL VIEW OF THE NEGOTIATION WAS THAT: 1) THERE WAS NO CLEAR BASIS OF AGREEMENT ON A FORMULA FOR DELIMITATION OF THE MARGIN (THOUGH IRISH PROPOSAL HAS BEEN BASIS OF DISCUSSION); AND 2) THE TREND ON REVENUE SHARING IS THAT SYSTEM SHOULD BE BASED ON GROSS REVENUE FIGURES, (5 PCT AS FIGURE FOR REVENUES SHARED WITH 5 YEAR HOLIDAY APPEARS TO BE MINIMUM FIGURE ACCEPTABLE) AND REVENUES SHOULD BE PAID BY DEVELOPED WIDE MARGIN NATIONS TO ISRA, WHICH WOULD DISPERSE FUNDS TO DEVELOPING LL/GDS. USG CONTINUED TO EXPRESS STRONG RESERVATIONS WITH REGARD TO ANY SYSTEM OF REVENUE SHARING THAT EXEMPTS DEVELOPING WIDE MARGIN NATIONS FROM REVENUE SHARING PAYMENTS.

COMMITTEE III

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1. COMMITTEE III CONTINUED TO WORK AT AN EXTREMELY SLOW PACE ON VESSEL SOURCE POLLUTION. THERE HAS BEEN NO SUPPORT FOR ANY SUBSTANTIVE CHANGES TO THE VESSEL SOURCE POLLUTION PACKAGE AS IT EXISTS IN THE RSNT.

DISPUTE SETTLEMENT

1. INFORMAL PLENARY CONTINUED REVIEW OF PART IV, RSNT, COMPLETED ANNEXES 1A (CONCILIATION) AND 1B (ARBITRATION), AND PROGRESSED THROUGH ARGICLE 26, ANNEX IC (STATUTE OF THE LOS TRIBUNAL). THE PRESIDENT OF THE CONFERENCE AMENDED THE SNT, PART IV, ANNEX IC, ARTS. 2 AND 3 TO DELETE THE ALLOCATION OF SEATS ON THE TRIBUNAL BY REGION, AND REPLACE IT WITH A SIMPLE REQUIREMENT THAT EACH REGIONAL GROUP HAVE AT LEAST TWO SEATS; A FEW DELEGATIONS CONTINUED TO OBJECT TO THE ESTABLISHMENT OF THE LOS BRIBUNAL; OTHERS RESERVED THEIR POSITION ON THE QUESTIONS (1) WHETHER THERE SHOULD BE SEPARATE TRIBUNALS FOR DEEP SEABED AND OTHER DISPUTES, AND (2) WHETHER THE SYSTEM OF SPECIAL PROCEDURES INANNEX II SHOULD BE RETAINED.

VISIT OF SECRETARY TO LOS CONFERENCE

1. DURING TWO-DAY VISIT TO NEW YORK FO WLGW CONFERENCE SECRETARYUWELD DISCUSSIONS WITH CONFERENCE PRESIDENT AND REPRESENTATIVE GROUPS OF DELEGATIONS IN AN EFFORT TO START NEGOTIATION TO RESOLVE THE APPARENT IMPASSE OVER A VARIETY OF LOS ISSUES.

2. MAJOR FOCUS OF VISIT WAS DEADLOCK IN COMMITTEE I ON DEEP SEABED MINING. SECREARY SUGGESTED A PACKAGE SOLUTION IN WHICH U.S. WOULD AGREE TO GET THE POSPOSED ENTERPRISE INTO BUSINESS WITHIN THE SAME TIME FRAME AS MINERS FROM INDIVIDUAL NATIONS UNDER AN ASSURED ACCESS SYSTEM. KEY TO ESTABLISHING THE ENTERPRISE EFFECTIVELY IS TO PROVIDE FOR ADEQUATE FUNDING. IN ADDITION SECRETARY STATED US COULD ACCEPT A REVIEW MECHANISM AFTER 25 YEARS FOR THOSE PARTS OF THE COMMITTEE I TEXT APPLICABLE UNCLASSIFIED

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TO SYSTEM OF SEABED MINING. BOTH OF THESE PROPOSALS WERE MADE WITHIN THE CONTEXT OF AN OVERALL SATISFACTORY SOLUTION TO THE PROBLEM OF THE DECISION-MAKING MECHANISM OF THE SEABED AUTHORITY, AND SATISFACTORY PROVISIONS ON ACCESS.

3. WITH RESPECT TO COMMITTEE II AND III, THE SECRETARY NOTED THE LIMITED NUMBER OF MAJOR OUTSTANDING PROBLEMS, MOST IMPORTANTLY THE STATUS O THE ECONOMIC ZONE, AND CONDUCT OF SCIENTIFIC RESEARCH IN THE ZONE, AND SUGGESTED THAT WITH FURTHER EFFORT BOTH COULD BE RESOLVED IN A SATISFACTORY MANNER. SHERER

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